



# Lamoine Board of Selectmen

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## Minutes for June 18, 2009

Chair Jo Cooper called the meeting to order at 7:02 PM

Present were: Selectmen Kermit Theall, Richard Fennelly Jr., Cynthia Donaldson, Gary McFarland, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Michael Jordan, Fire Dept. Chief Engineer Mo Oliver, Firefighter Carleton Brodie, James Norris, Fire Chief George "Skip" Smith, Rae Dumont, Paul Davis, RSU #24 Representative Jon Morren, MDI School Board Chair Brian Hubbell, Conservation Commissioner Carol Korty, Code Enforcement Officer Dennis Ford.

**Agenda Review** – Cynthia asked to make sure a thank-you to the school board is added to the next agenda.

**Minutes of June 4, 2009** – Kermit moved to approve the minutes as presented. Richard 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 27-** Stu noted the Education Fund Balance transfer is on the warrant, but the check will not go to RSU #24 until June 30, 2009. Selectmen signed the warrant for \$112,467.32.

**Cash & Budget Report** – Richard asked about the favorable balances on the expenditure side. Stu said he expected all accounts to be OK for now. Stu expressed a concern about cash flow in August as the RSU will be billing in equal installments, and property taxes won't start coming in until late August. He said he should know where things stand in early August.

**Checking Account Reconciliation** – Selectmen signed the statement expressing satisfaction with the review of the checking account statement and reconciliation.

**Encumbrance Order** – Richard asked if the park kiosk will be complete this year. Stu said it should be according to the Parks Commission. Jo moved to sign the order. Richard 2<sup>nd</sup>. There was a brief discussion if some of the road projects authorized but not completed should be included. Stu said that may have to happen. Cynthia asked about the encumbrance. Stu said the parks kiosks have been encumbered for about 3-years.

**Vote in favor was 5-0**

**Investments** – Jo noted the income from interest was off sharply.

**30-day notices** – Stu said the tax liens would be placed on the remaining outstanding balances after June 28<sup>th</sup>.

**Shellfishing** – James Norris said that he retired last year and started digging clams. He said the town has pretty good clam flats, but folks from other communities such as Stockton Springs and Milbridge are taking them. He said diggers in Lamoine are at a

disadvantage and the money should be kept local. He said there were times when there were 25 to 30 local clam diggers.

Richard said the worst time is when red tide closes down other areas. Mr. Norris said if other towns can have laws, Lamoine should be able to. He said there is a potential for people to make a living. Jo said she went to a meeting in Hancock regarding a cooperative ordinance, but interest faded. She said she would like to preserve the resource. Richard said he earned his education money from digging clams. Jo said it's the enforcement piece that stymies moving forward with an ordinance.

Paul Davis said Ron Brown in Hancock had been spearheading the effort, and he's aware that enforcement is the big thing. He said the enforcer would have to recover their costs through fine dollars. He said enforcing an ordinance without getting paid is tough. A lengthy discussion followed about enforcement and costs.

Richard noted that when he was a clam warden, the operation was self sufficient with fines. He said diggers often took their chances by digging illegally. He said enforcement is the key thing. Jo asked Mr. Norris if he had checked with the Department of Marine Resources (DMR). She said some of the issues with clam wardens would be insurance and training.

Mr. Norris said the diggers need to get together and figure out the laws and how to work out the financing. He asked what the Selectmen needed to consider an ordinance. Richard said there has to be enforcement, and the town has to be able to figure out how to do it without depleting the finances. There was a brief discussion about what the DMR would do. Jo suggested getting a draft copy of an ordinance. She said the Conservation Commission has met about resources, and they could start on a paper.

Richard asked how many local commercial diggers there are. Mr. Davis said 5 or 6. Richard said the active participation of the commercial diggers would be helpful. There was a discussion about enforcement techniques. Cynthia said other towns have ordinances so it might be helpful to look at a comparable town. Mr. Norris said he would explore to see how Gouldsboro operates. Richard said when there was a regional meeting on clamming issues that those towns with ordinances stressed that the local commercial diggers have to be active to make it work.

Jo said she thinks the diggers would have lots of support from the Board of Selectmen because of the impact on the local economy. She said clamming is a tradition in Lamoine. She urged Mr. Norris and others to work with the Conservation Commission. Mr. Norris said he would try to get with the other clam diggers and find other town ordinances. Carol Korty said she would like the diggers to know that the Conservation Commission wanted to do something about an ordinance, but did not realize there were commercial diggers in town. She relayed a story about an unpleasant encounter she had with a clam digger on her property. She said the resource needs to be protected so there is a sustainable harvest.

Richard said Sullivan, Steuben and Gouldsboro should be asked to find out the net cost to the town. Ms. Korty asked if there is a charge for a license. Richard said there is. He said there may be a state law that requires 10% of the licenses be issued to non-residents. He asked if we could get a copy of the town's old ordinance. Stu said that is possible. He said there was also a study by the University of Maine from years back about the clam population. Richard said when there was an ordinance the diggers would brush the clam flats to get the spawn into the mud.

Jo said to Mr. Norris that she would like to have him gather some information and keep the Selectmen in the loop. Mr. Norris said the clam flats are a resource that can be taken advantage of. Rae Dumont said there may be an effort in the Taunton Bay area that might have an effect on the mud flats. A short discussion followed. Mr. Davis said the effort to get Lamoine, Hancock and Franklin together may have gotten too big.

**Fire Truck Body** – Stu said the proposed specs for the fire truck body were in the Selectmen's packets. Richard asked if bidder and builder could be used interchangeably. He said there were some typos in the specs. He asked if the 3-ring binder holes in the foam unit specs would cause a problem. Chief Engineer Mo Oliver explained the foam unit and the pump specs and a brief discussion followed over how the specs were written.

Stu said he drafted an ad that said bids would be due by July 2, 2009. Mr. Oliver said the chassis would arrive soon, and the fire department would store it until the bid is let out. He said there has been some interest in the other pickup truck from the Dennysville Fire Department. Richard asked if he was correct that 2 trucks would be retired and one brought on board. Fire Chief George Smith said that was the intent. He said there has not been any active negotiating for the 1976 Ford.

Stu said he was looking for the authority to place the body specs out to bid. Richard moved to do so. Jo 2<sup>nd</sup>. **Vote in favor was 5-0.**

Chief Smith asked how to work out payment for delivery of the chassis. Stu said the next warrant would be signed on July 2<sup>nd</sup> and so money for the start of the fiscal year would be available. He said if the chassis is here and acceptable, it could be paid for then. Stu asked if he could begin the process of engaging bond counsel so that could be ready for the next meeting. There was no objection. Chief Smith said he would be present for the bid opening on the 2<sup>nd</sup> of July. There was a brief discussion about the budget.

**June 24, 2009 Town Meeting – School Tuition** – Stu reported that he had distributed an e-mail compiling the tuition issues that will be discussed at the town meeting. Jo said every time it seems we know the answer, something different pops up. RSU #24 Representative Jon Morren said Hancock had raised questions about the funding of additional tuition and who should be paying for it in light of having a contract and the language that said the RSU would be paying for the contract. There was a brief discussion about the state statutes and the contract language. Mr. Morren said Superintendent Bill Webster has contacted Drummond and Woodsum in regard to the

latest questions. He said if the information is not back before Monday, it would be here by the day of town meeting.

Richard said his first read of 20-A MRSA §1479 (2) is that the RSU would be on the hook for all the tuition. He said the extra costs, though, are addressed in § 7, and may not be mutually exclusive. Mr. Morren said §5 is referred to in §4. He said the biggest winners so far in the consolidation effort have been the lawyers. Kermit said the town might have to pick up the costs. Mr. Morren said the current superintendent was not involved in the RPC process, and when this was brought to his attention, he understood where the questions lie. He said it's a legitimate question and the extra costs might not be a huge burden for the RSU budget.

Jo said the question boils down to trying to decide who pays for the extra tuition costs to non RSU #24 high schools. She said her concern is that the town ultimately decides to spend more than the RSU rate. She asked if the town decides they want to pay more, does the town have to vote to do so. Stu said at this point it's a budget question, not a policy question. Jo said there is a contract with MDI, and it should not be dumped on parents to pay the difference. Richard said the contract was taken over by the RSU. Mr. Morren said the RSU has the obligation to manage the contract. He said the RSU will do that, but the town would owe additional funds for it. Richard said the question remains outstanding as to whether the RSU is responsible for all those costs. He asked if the answer is yes, how that would affect the warrant article. Mr. Morren said it would become a moot point. Mr. Morren said if the answer is not back, the whole other question might be to raise a reserve fund if the potential is there.

Richard said there is a potential that the town would be voting on an article that it might not have the answer to. He read the article aloud: *To see what sum the town will vote to raise and appropriate for the purpose of tuition payments to non-RSU #24 secondary schools for students choosing to attend such schools for tuition in excess of the cost of a student to attend high school within the jurisdiction of RSU #24. (The school committee recommends \$25,167.75)*

Mr. Morren said it's his intention to talk with the Superintendent on Monday morning. He said it's unclear how the money could be billed back from the RSU to the town and it becomes the responsibility of the town. Stu said that is part of the RSU plan. Richard said that raises a lot of questions. He said if the RSU is not on the hook, the RSU would bill back to the town, but if the town meeting rejects the article, where does the money come from. Stu said the process would likely be that the RSU would pay all the bill to MDI High School then bill the town. He said he would reply to the RSU that the town did not authorize such payment, and the RSU would bill the parents. There was a brief discussion over whether it should be the RSU or the town office billing the parents, and who has the authority to do so.

Mr. Morren said he hoped it would not be raised to this level. Richard said something would have to happen if the town says no. Gary said the money has to come from somewhere. A discussion followed on whether parents might sue the pants off the town which has a contract with MDI High and the expectation of the parent is already in place

that the town would pay for the students. Richard said the agreement seems to pull the rug out from under students presently attending MDI High School. Cynthia said the rules should not be changed in the middle of the game. She said going forward; it should be made clear so that everyone knows what happens.

Richard asked what action the town takes if the funding is voted down. Kermit said the Board could hire an attorney to go after the RSU. He said the Selectmen are kind of like the monkeys in the middle. Richard asked who negotiates a new contract once this contract with MDI expires. Stu said it should be RSU # 24. Mr. Morren said no one else would have authority to do that. There was a discussion about future costs and who bears those, and who has authority to enter into educational contracts.

Richard said he's troubled by the notion of yanking the rug from under the MDI students. He said his inclination is to cover the costs for the remaining year of the contract, then asked what happens if that doesn't pass. A lengthy discussion followed about the potential situations if the measure fails, the Town of Hancock's stance, and transportation provisions for future contracts.

Mr. Morren said the town meeting action on the 24<sup>th</sup> does not require a validation vote. Richard asked if it does pass, does it require an LD-1 override. Stu said he's not sure – it's not really part of the municipal budget, but the education budget process is not being followed either. It was agreed to pose the question to Maine Municipal Association.

Mr. Morren said he believes in the long run the RSU concept will be good for education. A short discussion followed.

**Goals – Community Identity** – Cynthia said that while she's lived in Lamoine for a long time, she finds she doesn't know a lot of people any more. She said people would like to feel proud and happy to live in Lamoine. She said the clam ordinance discussion is a good example of people getting together and talking about things. Jo said the Board in the past has celebrated the volunteers in town. She said it would be nice to have more opportunities to celebrate Lamoine, such as the 125<sup>th</sup> anniversary celebration back in 1995.

Cynthia said it's an even deeper thing. She said ties into the Historical Society would be wonderful and the memories should be encapsulated. She said resources like interviewing folks about the town's history would be nice. She said there is no listing of the small businesses in town available and there should be.

Richard asked who other than "we" should do things like that. He said the Selectmen don't have the resources to do that sort of thing. Rae Dumont said there is a small group of people interested in such things. She agreed they can't ask the Selectmen to do it. She said some in the group are willing to offer energy and they might be able to find people to help. Dr. Dumont suggested putting on an event – she said the group has some energy for that. Kermit said he enjoys the pot luck suppers at the school, but those seem to be happening less often. Jo said it's good when people get together.

Stu said what might be helpful is to appoint someone to be the volunteer coordinator. Dr. Dumont said she was not willing to do that but would like to do some celebration event. Jo said it would be good when people move into town to learn about the town. There was a discussion about interviewing people with the TV equipment and the Welcome to Lamoine packet.

Jo asked how this could start. Dr. Dumont said the Board needs to decide if it wants something to happen. There was a discussion of ways to get groups together and how that could be promoted. Dr. Dumont said the town should find every opportunity to get people together. Richard said it would be wonderful if there were a self directed group that did not have to come to the Board of Selectmen to move forward. Dr. Dumont said a celebratory event could be turned over to her group. Jo said it should be something very open and easy to be a part of. There was a discussion about recording the event for TV. Dr. Dumont said the original purpose was to honor volunteers. Jo said that's an important thing to do. She said with just volunteers it would be a big crowd. Dr. Dumont said for now it could be left as having a conversation about some sort of event.

**Recycling** – There was a question about what items are being recycled, and a report on tire recycling.

**Contract – Diane Carter** – Cynthia noted one typo in the contract on page 1. Stu said that could be corrected. Jo moved to sign the contract. Kermit 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Resignation** – Jo moved to accept with regret the resignation of Kathleen DeFusco from the Veterans Memorial Committee. Richard 2<sup>nd</sup>. **Vote in favor was 5-0, Selectmen signed a letter to Mrs. DeFusco**

Selectmen also signed service certificates for Lynda Tadema-Wielandt and Melody Havey who are finishing terms on the Conservation Commission and Planning Board respectively and expressed a desire not to be reappointed.

**Appointments** – Jon Morren asked at what point the Selectmen would consider appointments to the Local Advisory Committee. Richard said it should be ASAP if the ordinance passes. Mr. Morren said he would support a wide variety of opinions. There was a short discussion on how to recruit LAC members.

Jo moved to appoint the following:

Name	Position	Exp Date
Cecilia Ohmart	Health Officer	June 30, 2010
Christa Brey	Parks Commissioner	June 30, 2012
David Herrick	Harbor Master	June 30, 2010
Dennis Ford	Code Enforcement Officer	June 30, 2010
Dennis Ford	Building Inspector	June 30, 2010
Dennis Ford	Plumbing Inspector	June 30, 2010
Diane Carter	Assistant Tax Collector	June 30, 2010

Diane Carter	Assistant Town Clerk	June 30, 2010
Diane Carter	Assistant Excise Tax Collector	June 30, 2010
Diane Carter	Deputy Registrar of Voters	June 30, 2010
Diane Carter	Assistant Treasurer	June 30, 2010
George Smith	Fire Chief	June 30, 2010
Hubene Brodie	Budget Committee Member	June 30, 2012
James Croteau	Board of Appeals Member	June 30, 2012
James Gallagher	Planning Board Member	June 30, 2014
Jennifer Kovacs	Tax Collector	June 30, 2010
Jennifer Kovacs	Town Clerk	June 30, 2010
Jennifer Kovacs	Excise Tax Collector	June 30, 2010
Jennifer Kovacs	Deputy Treasurer	June 30, 2010
Kathleen DeFusco	Budget Committee Alternate Member	June 30, 2012
Kevin Murphy	Deputy Harbor Master	June 30, 2010
Michael Arsenault	Animal Control Officer	June 30, 2010
Michael Jordan	Deputy Code Enforcement Officer	June 30, 2010
Michael Jordan	Deputy Building Inspector	June 30, 2010
Michael Jordan	Deputy Plumbing Inspector	June 30, 2010
Michael Jordan	Alternate - Planning Board Member	June 30, 2012
Reginald McDevitt	Board of Appeals Alternate Member	June 30, 2012
Reginald McDevitt	Budget Committee Member	June 30, 2012
Stuart Marckoon	Administrative Assistant to the Selectmen	June 30, 2012
Stuart Marckoon	Deputy Tax Collector	June 30, 2012
Stuart Marckoon	Deputy Town Clerk	June 30, 2012
Stuart Marckoon	Deputy Registrar of Voters	June 30, 2010
Stuart Marckoon	Emergency Management Director	June 30, 2012
Stuart Marckoon	General Assistance Administrator	June 30, 2012
Stuart Marckoon	Treasurer	June 30, 2012
Stuart Marckoon	Addressing Coordinator	June 30, 2012
Stuart Marckoon	Deputy Fire Warden	June 30, 2010

Gary 2<sup>nd</sup>. **Vote in favor was 5-0.** Selectmen signed the appointment papers. Cynthia asked if there was any distinction between hiring and appointing people. There was some opinion expressed that signing so many appointment papers was ridiculous.

**Administrative Assistant's Job Description** – Selectmen opted to not act on this, given the late hour. It will be on the next meeting agenda

**Flag Policy** – Stu said someone had bought a flag in memory of Carrie Tracy. He said he wasn't clear on where it should be posted and whether the Selectmen had a preference. The Board said the donor should be asked where she prefers.

**Ants** - Gary suggested contacting Modern Pest Control. Stu said he would call.

**Certificate of Commendation** – Selectmen signed a certificate honoring Kelly Henry who won the regional speech competition sponsored by Modern Woodmen of America.

**Other** – Jo noted there would be a bottle drive this coming weekend for Will Dickey's Eagle Scout project. Cynthia asked if Will could come to the next meeting to explain what he's doing for a project.

Kermit said he desired not to receive any e-mails directly from the Selectmen, as that would make his wife's hard drive open to public inspection. There was a discussion about an e-mail address system at the town hall.

Stu noted that the trees are now being planted at the Simons property where the cutting violation was noticed. He suggested it might be time for the town attorney to come up with a consent agreement. The item will be on the next meeting agenda.

**Executive Session** – Jo moved to enter executive session pursuant to 1MRSA §405(6) (a) to do a job performance review and contract negotiation with the Code Enforcement Officer. Richard 2<sup>nd</sup>. **Vote in favor was 5-0 at 9:28 PM. Out at 9:58 PM.**

There being no further business, the meeting adjourned at 10:01 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.

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